

# Denning Town Board Meeting Agenda

September 2nd, 2014



Pledge of Allegiance.

Call Public Hearing for Local Law No. 1 of 2014 to Order

Reading of Last Month's Minutes.

Correspondence.

## COMMITTEE REPORTS:

- ⇒ Highway & Recycling – Supt. of Highways Daniel Van Sadlers.
- ⇒ Code Enforcement Officer.
- ⇒ Planning Board.

## Order of Business:

- Resolution No. 54 of 2014 Court Grant Approval
- Resolution No. 55 of 2014 Grant Funds Transfer
- Resolution No. 56 of 2014 Election Costs Takeover
- Resolution No. 57 of 2014 Local Law No. 1 of 2014 Tax Cap Override

SUPERVISOR COMMENTS

BOARD COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

Next Meetings: Regular Monthly Business Meeting at the Denning Town Hall  
7:00 PM **Wednesday**, September 10th, 2014  
(Due to NYS Primary Election held from 12 noon to 9 pm)  
Regular Monthly Meeting at the Sundown Church Hall  
7:00 PM Tuesday, October 7th, 2014

The public may now correspond with the Town of Denning at  
[www.Denning.us](http://www.Denning.us) The e-mail addresses are: [TownHall@Denning.us](mailto:TownHall@Denning.us)  
[Supervisor@Denning.us](mailto:Supervisor@Denning.us) [Highway@Denning.us](mailto:Highway@Denning.us) [townclerk@denning.us](mailto:townclerk@denning.us)

Resolution No. 54 of 2014  
Denning Town Board Meeting  
September 2nd, 2014

**WHEREAS** the Town of Denning Justice Court is soliciting the Denning Town Board for support in the application of a grant from the New York State Justice Court Assistance Program,

**NOW THEREFORE**, be it **RESOLVED** that the Denning Town Board **HEREBY** supports the application of the Denning Justice Court to the New York State Justice Court Program for funding in the fiscal year of 2015.

Motion to adopt and approve by Councilman Paul Schoonmaker,  
2<sup>nd</sup> by Councilman Kevin Smith.

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 55 of 2014  
Denning Town Board Meeting  
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**WHEREAS** New York State Town Law section 113 authorizes the Town Board to transfer monies and unexpended balances, and

**WHEREAS** a grant was procured thru the aid of NYS Senator John Bonacic and

**WHEREAS** Resolution No. 46 of 2014 placed Said grant monies in A5132.4 Highway Repairs and

**WHEREAS** the Town of Denning desires to be able to track costs incurred thru SAID grant, and

**NOW THEREFORE BE IT RESOLVED** that the Town Board **HEREBY** rescinds Resolution No. 46 of 2014 and

**WHEREAS** this grant money is to be added to the 2014 Town of Denning Budget

**NOW THEREFORE BE IT RESOLVED** that the Town Board **HEREBY** authorizes Supervisor Brooks to increase A 3089 Other General Government Revenue State Aid Received by \$50,000.00 and to increase A 5132.2 Garage Repairs Equipment by \$50,000.00.

Motion to adopt and approve by Councilman Kevin Smith, 2<sup>nd</sup> by Councilman Gregory Vurckio.

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 56 of 2014

Denning Town Board Meeting  
September 2nd, 2014

A Resolution in Support of the defeated County Resolution No. 224 of July 15, 2014, Authorizing Ulster County to Pay for the Cost of Election Expenses

WHEREAS, Ulster County Resolution No. 410 of December 6, 2006 authorized the County of Ulster to charge back the towns and the City of Kingston for the cost of elections; and

WHEREAS, the Help America Vote Act, or HAVA, mandated that all states and localities upgrade many of their election procedures, including their voting machines, registration processes and poll worker training; and

WHEREAS, the increased costs associated with elections have proven to be a substantial expense and burden on the Town of Denning; and

WHEREAS, the financial burden is expected to escalate, as future costs associated with repair and/or replacement of the new electronic voting machines could be cumbersome; and

WHEREAS, pursuant to New York State Election Law, Article 4, Section 4-136, "... the expenses of providing polling places, voting booths, supplies thereof, ballot boxes and other furniture for the polling place for any election, including the storage, transportation and maintenance of voting machines, appliances and equipment or ballot counting devices, and the compensation of the election officers in each election district, **shall be a charge upon the county in which such election district is situated...**;" and compensation of the election officers in each election district, shall be a **charge upon the county in which such election district is situated...**;" and

WHEREAS, New York State Election Law, Article 3, Section 3-226 states that "All Voting machines, and appliances and equipment relating to or used in the conduct of elections shall be in the **care, custody and control of the board of elections,**" and therefore, **not the responsibility of the local municipalities;** and

WHEREAS, the Town of Denning has no say in the increases in the chargeback pricing rates; and

WHEREAS, the Town of Denning has no ultimate authority as to who is hired by the county to be local election workers; and

WHEREAS, the Town of Denning has no authority for election worker

compensation rates;

WHEREAS, in a reasoned September 23, 1992 opinion to Broome County, the New York State Comptroller said, in part, " the there is no requirement that the chargeback should appear in a city, town, or village budget",

WHEREAS, the county does not charge back for services it renders from the Sheriff' s Office, Weights and Measures, Emergency Services, District Attorney' s Office, or the other county departments, and

WHEREAS, the Town has become a " middleman" in the election process rather than an active participant with any authority of home rule; and

WHEREAS, this chargeback is no less than an "**unfunded mandate**" from the County to the Town of Denning; and

WHEREAS, County Resolution No. 224, although defeated, would have directed the cost of election expenses be borne by Ulster County, and not billed to its municipalities, effective January 1, 2015; and

WHEREAS, the Town of Denning Town Board supports the passage of Said Resolution; now, therefore, be it

RESOLVED that the Town of Denning Town Board hereby supports the passage of Said Resolution and respectfully requests that the Ulster County Legislature RECONSIDER and pass Said resolution; which had been amended to allow a phasing in of elections costs thereby not creating a fiscal difficulty for Ulster County and

BE IT FURTHER RESOLVED that the Town Clerk send a certified copy of this resolution to the Ulster County Legislature and Ulster County Executive within ten (10) days.

Motion to adopt and approve by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Mike Dean.

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE

Motion carried following a unanimous roll call vote.

Denning Town Board Meeting  
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**Whereas**, the Town of Denning Town Board has intention of fulfilling its financial obligations, and

**WHEREAS** a PUBLIC HEARING was held on Tuesday, September 2nd, 2014 regarding Local Law No. 1 of 2014, and

Where any and all interested person(s) where heard,

**NOW THEREFORE BE IT RESOLVED** the Town of Denning Town Board **HEREBY** adopts Local Law No. 1 of 2014 titled: Tax Cap Override.

Motion to adopt and approve by Councilman Gregory Vurckio,  
2<sup>nd</sup> by Councilman Paul Schoonmaker.

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE

Motion carried following a unanimous roll call vote.